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**VIA ECF**

The Honorable Lorna G. Schofield  
U.S. District Judge  
U.S. District Court for the Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Compass, Inc. and Compass RE NY, LLC v. Real Estate Board of New York, Inc.*,  
No. 1:21-cv-02195 – Joint Status Letter

Dear Judge Schofield:

Plaintiffs Compass, Inc. and Compass RE NY, LLC (collectively, “Compass”), jointly with Defendant Real Estate Board of New York, Inc. (“REBNY”) (with Compass, the “Parties”), respectfully submit this joint status letter pursuant to the Court’s Order dated August 31, 2022 (ECF No. 63).

**I. Procedural History of Case**

**Pleadings Filed to Date.** Compass filed its Complaint on March 12, 2021 (ECF No. 1). REBNY filed its Answer on May 5, 2022 (ECF No. 43).

**Motions Filed to Date.** REBNY filed its Motion to Dismiss the Complaint on May 18, 2021 (ECF Nos. 13-15). Compass filed its Memorandum of Law in Opposition to Defendant’s Motion to Dismiss on July 2, 2021 (ECF No. 25), and REBNY filed its Memorandum of Law in Further Support of its Motion to Dismiss the Complaint on July 30, 2021 (ECF No. 29). On March 31, 2022, the Honorable Alison J. Nathan denied REBNY’s motion to dismiss as to Compass’s antitrust claims, but granted REBNY’s motion to dismiss as to Compass’s tortious interference claims (ECF No. 32).

On April 14, 2022, REBNY filed a Motion for Partial Reconsideration or Reargument Under Local Rule 6.3 of the Court’s March 31, 2022 Order, specifically the portion of the Order denying REBNY’s motion to dismiss Compass’s antitrust claims (ECF Nos. 36-37). Compass filed its Memorandum in Opposition to Defendant Real Estate Board of New York, Inc.’s Motion for Partial Reconsideration or Reargument Under Local Rule 6.3 on April 28, 2022 (ECF No. 40). On July 27, 2022, the Court denied REBNY’s motion for partial reconsideration (ECF No. 50).

On August 16, 2022, the Parties filed their first request for an extension of the discovery deadlines in this matter (ECF No. 52). On August 24, 2022, the Court granted this request in part and extended the discovery deadlines by four months (ECF No. 58).

On September 29, Compass filed a letter with the Court requesting a pre-motion conference for a motion to compel Corcoran to comply with the subpoena for the production of documents. (ECF No. 68). On October 14, Corcoran filed its letter in response.

## II. Status of Discovery

**Protocols.** The Court approved the Parties' Protective Order and Protocol for the Production of Documents and Electronically Stored Information on June 23, 2022. (ECF Nos. 47-48).

**Discovery Requests.** REBNY served its Responses and Objections to Plaintiffs' First Set of Requests for Production on June 8, 2022. On June 17, 2022, Compass served its Responses and Objections to Defendant REBNY's First Set of Requests for Production of Documents. The Parties are engaged in meet and confers to resolve their respective objections and reach agreement on search terms and custodians. Neither Compass nor REBNY have produced any documents as of the date of this joint status report, but have exchanged initial search terms and custodian proposals. Further, both parties have collected documents from custodians, exchanged search term "hit reports," and made significant progress narrowing the set of documents eligible for relevance and privilege review in advance of production. The parties are near agreement on a number of issues and expect to begin producing documents to each other soon.

Third party NRT New York LLC d/b/a The Corcoran Group ("Corcoran") served its responses and objections to Compass's subpoena for the production of documents and to provide corporate deposition testimony on June 23, 2022. Third party Douglas Elliman served its responses and objections to Compass's subpoena for the production of documents and to provide corporate deposition testimony on June 27, 2022. Compass has engaged in multiple meet and confers with Corcoran and Douglas Elliman to attempt to resolve their objections and reach agreement on search terms and custodians. Neither Corcoran nor Douglas Elliman have produced documents as of the date of this report. However, Douglas Elliman informed Compass that it expects to begin producing documents before the end of the month. Corcoran and Compass have reached an impasse regarding Corcoran's objections. Accordingly, Compass filed its September 29 request for a pre-motion conference for a motion to compel Corcoran to comply with the subpoena for the production of documents. (ECF No. 68). Corcoran subsequently filed its letter in response. Compass and Corcoran continue to meet and confer regarding search terms for the requests that are not included in Compass's pre-motion letter.

**Plans to Meet Court Ordered Discovery Deadlines.** As noted above, the Parties asked the Court for an extension of the discovery deadlines in this matter, and that request was granted in part. The Parties remain actively engaged in meet and confers on the scope of discovery and have made significant progress toward meeting current deadlines. As of this Report, the Parties are on track to comply with the Court's discovery deadlines.

Please let us know if there is any additional information the Parties could provide that would be helpful to the Court.

Respectfully submitted,

/s/ Chahira Solh  
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